

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 202300676	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/19/2023 7:05 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 7/19/2024	Precinct: 46		
Date/Time CV Reported Mon, 01/23/2023 3:41 PM	CV Reported At: CCRB	How CV Reported: E-mail	Date/Time Received at CCRB Mon, 01/23/2023 3:41 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. PO Andre Brown	10601	966482	WARRSEC		
<b>Officer(s)</b>	<b>Allegation</b>		<b>Investigator Recommendation</b>		
A . PO Andre Brown	Abuse: Police Officer Andre Brown threatened to damage § 87(2)(b) property.				

### Case Summary

On January 23, 2023, § 87(2)(b) filed this complaint with the CCRB via email.

At approximately 7:05 a.m. on January 19, 2023, § 87(2)(b) was asleep at her apartment, located at § 87(2)(b) in the Bronx. § 87(2)(b) daughter, § 87(2)(b) used to live with her at the apartment, but did not reside there at the time. § 87(2)(b) was awoken by Police Officer Andre Brown of the Manhattan Warrant Squad knocking on her door. PO Brown threatened to knock down § 87(2)(b) door (**Allegation A: Abuse of Authority – Threat of property damage**, § 87(2)(g) § 87(2)(b) spoke to PO Brown through the door. He told her that he was investigating a warrant issued for § 87(2)(b) § 87(2)(b) told him that she did not reside at the apartment. § 87(2)(b) then called 911 to report PO Brown's behavior. PO Brown then left the premises. § 87(2)(b) did not open the door or interact with him face-to-face during this incident.

The investigation did not obtain any video footage from this incident.

### Findings and Recommendations

#### **Allegation (A) Abuse of Authority: Police Officer Andre Brown threatened to damage § 87(2)(b) property.**

§ 87(2)(b) provided a written statement when she initially filed the complaint (Board Review #01). She was interviewed by the CCRB on January 25, 2023. PO Brown was interviewed by the CCRB on May 9, 2023.

Prior to this incident, Warrant Squad officers entered and searched § 87(2)(b) apartment several times in July and August of 2022 to search for her daughter. § 87(2)(b) § 87(2)(b) was present in the apartment during these visits. PO Brown participated in entries made on July 22, 2022, and July 26, 2022. The officers did not find § 87(2)(b) during these visits. A separate investigation into those incidents is covered by CCRB complaint § 87(2)(b).

§ 87(2)(b) written and sworn statements were consistent with each other. She stated that she lives by herself at § 87(2)(b) § 87(2)(b) had moved out of the apartment in January of 2022. § 87(2)(b) later visited § 87(2)(b) and stayed in the apartment from January 7, 2023, to January 9, 2023, leaving afterwards. She did not return to the apartment after that time.

At approximately 7:05 a.m. on January 19, 2023, § 87(2)(b) was awoken by somebody banging on the door to her apartment. § 87(2)(b) was the only person in the apartment at the time. § 87(2)(b) initially stayed in her bed and did not respond or react to the noise. PO Brown called out to her through the door, stating that he could hear somebody walking around. He then stated, "I'm going to break this door down." § 87(2)(b) then walked to the door. She did not open the door or look through the peephole, and therefore could not see PO Brown or if he had any partners with him. She also could not see if PO Brown was the person who had knocked on the door.

She called out through the door, telling PO Brown not to speak in such a disrespectful manner. She asked PO Brown what he wanted. PO Brown asked § 87(2)(b) for her name. She told him that it was none of his business. PO Brown stated that he had a warrant for § 87(2)(b) § 87(2)(b) told PO Brown that she lived by herself and that he had the wrong apartment. § 87(2)(b) then heard further banging on the door. PO Brown told § 87(2)(b) that he was going to break the door down. § 87(2)(b) called 911 to report PO Brown's behavior. She told the 911 operator that an officer was threatening to break down her door. The operator connected § 87(2)(b) to IAB, who told her that they were sending a supervisor to the location. The banging on the door continued for several

minutes after that, before eventually stopping. § 87(2)(b) estimated that he was at her door for about fifteen to twenty minutes. Later that morning, a group of officers responded to § 87(2)(b) 911 call. By that time, PO Brown had already departed.

PO Brown acknowledged participating in the entries made at § 87(2)(b) during the summer of 2022. He explained that he had been assisting another Warrant Squad officer who had been investigating an active warrant for that had been issued for § 87(2)(b). PO Brown acknowledged that he encountered a female inside of the apartment during the entries. PO Brown denied that he learned who the female was or what, if any, relationship she had to § 87(2)(b). The investigation determined that this female was § 87(2)(b). PO Brown denied ever directly encountering § 87(2)(b) while assisting in this investigation. As such, he did not know what her voice sounded like. PO Brown did not recall how the active warrant associated with the entries in 2022 resolved but believed that § 87(2)(b) was arrested at some point prior to October of 2022.

Later, in October of 2022, a new warrant was issued for § 87(2)(b). This new warrant was assigned to PO Brown. He did not recall the details of the warrant, such as whether it was an arrest or bench warrant. Based on his involvement in the investigation into § 87(2)(b) over the summer of 2022, he was aware that she had resided at § 87(2)(b) in the past. He conducted additional computer database searches to confirm the address. PO Brown found that there was a domestic incident report that had been filed at some point between July and October of 2022 documenting an incident involving § 87(2)(b) that took place at § 87(2)(b). The TLO database, which lists mailing addresses associated with individuals, also listed § 87(2)(b) as residing at the apartment.

On January 19, 2023, PO Brown traveled to § 87(2)(b) to search for § 87(2)(b). He denied that there was any particular reason that he decided to visit the apartment on that day. He did not receive any tips to suggest that she was present at the time. He was accompanied by Det. Keith McNicholl, PO James Trapasso, and PO Kyle Jean-Marie. PO Brown knocked on the apartment's door several times. He then listened for any sounds coming from inside of the apartment. He did not hear anyone speaking or moving inside. PO Brown did not recall if he called out anything from the front door, including stating, "I'm going to break the door down."

After a few minutes, a female voice called out to PO Brown through the door. PO Brown did not recognize the voice. The female did not identify herself or state what, if any, relationship she had to § 87(2)(b). PO Brown did not recognize whether the voice belonged to the female he had encountered at the apartment during his previous visits in the summer of 2022. PO Brown spoke to the female through the closed door. He explained that he was a police officer and that he was looking for § 87(2)(b). He asked her to open the door. The female replied that she would not open the door. PO Brown then heard the female speaking to somebody over the phone. He did not recall any specific statements she made, but he believed that she was speaking to a 911 operator. PO Brown then took out his department cell phone. He saw that it listed that a new event had been created at § 87(2)(b). PO Brown suspected that the event was generated by the female's call to 911. He took out his radio and contacted the local precinct's dispatcher to inform them that he and his unit from the Warrant Squad were at § 87(2)(b).

PO Brown continued telling the female to open the door, but she did not comply. PO Brown then told her that he might "take the door" if she did not open it. He explained that "taking" the door meant forcing it open. He did not recall how he phrased this warning. PO Brown felt that § 87(2)(b) warrant gave him sufficient legal authority to forcibly enter the apartment to search for it. He noted that the database searches and the domestic incident report indicated that § 87(2)(b) did reside at the apartment, and that it was possible that the female he was speaking to through the door

was § 87(2)(b) PO Brown did not recall warning the female about anything he might do after forcing the door open. The female still did not open the door. Despite feeling that he had the authority to force the door open, PO Brown decided not to do so. When asked why he did not follow through, he only stated, “It just didn’t go that far that day.” PO Brown did not consult with his partners before making this decision. He denied that any of his partners spoke to the female through the door.

PO Brown decided that he should wait at § 87(2)(b) for any local precinct units who might respond to the female’s 911 call. After waiting for about half an hour, though, no other officers responded. PO Brown decided to resume patrol. He and his partners then left.

On October 14, 2022, a bench warrant was issued for § 87(2)(b) (Board Review #02). The warrant was assigned to PO Brown on October 28, 2022. He documented his investigation in DD5 entries. One of the entries states that at approximately 7:15 a.m. on January 19, 2023, PO Brown visited § 87(2)(b) to search for § 87(2)(b). He spoke to a female through the apartment’s door. PO Brown explained why he was there. The female refused to identify herself or open the door. The female then stopped speaking to PO Brown and called 911. PO Brown informed the local police dispatcher that he was at the location and that he was from the Manhattan Warrant Squad. PO Brown had no further contact with the female inside of the apartment. A subsequent entry states that § 87(2)(b) bench warrant was cancelled on February 23, 2023 (Board Review #03).

ICAD event § 87(2)(b) records that at 7:12 a.m. on January 19, 2023, § 87(2)(b) called 911 to report that a police officer was threatening to “break [] down” her front door at § 87(2)(b). She also stated that the officer claimed to have a warrant for a person who did not live at the location. The officer cannot be heard knocking on the recording. The 911 operator connected § 87(2)(b) to an IAB operator, who dispatched a unit to § 87(2)(b) location. At 7:53 a.m., officers from the 46<sup>th</sup> Precinct arrived at § 87(2)(b) apartment to speak to her (Board Review #04-05).

An officer may enter a suspect’s residence pursuant to an active warrant of arrest, provided that they reasonably believe the defendant to be present at the time of entry. NYS Criminal Procedure Law §120.80; People v. Paige, 77 A.D.3d 1193 (App. Term, 3<sup>rd</sup> Dept., 2010), aff’d, 16 N.Y.3d 816 (2011) (Board Review #06-08).

§ 87(2)(g)

§ 87(2)(b) PO Brown stated that he felt it was possible that the person he spoke to through the front door was § 87(2)(b) because the speaker, like § 87(2)(b) was female. There were no other indications of the speaker’s identity besides their gender and their presence in the apartment. These details, by themselves, were insufficient to positively identify the speaker. Any suspicion that the female voice belonged to § 87(2)(b) was also undercut by the fact that PO Brown was aware, due to his earlier visit in July of 2022, that § 87(2)(b) also resided at the apartment. He was unable to tell whether the voice he heard belonged to § 87(2)(b) or not. It therefore would have been just as likely, from PO Brown’s perspective, that the voice belonged to § 87(2)(b) not § 87(2)(b).

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- § 87(2)(b) [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- PO Brown has been a member of the service for four years and has been a subject in six other CCRB complaints and twenty allegations, ten of which were substantiated.
  - 202101208 involved a substantiated allegation of failure to provide RTKA card. The Board recommended formalized training. The NYPD imposed formalized training.
  - § 87(2)(g) [REDACTED]
  - § 87(2)(g) [REDACTED]

**Mediation, Civil, and Criminal Histories**

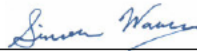
- This complaint was not suitable for mediation.
- As of June 5, 2023, the NYC Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (Board Review #10).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

**RPBP History**

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad: 15

Investigator:	<u>Owen Godshall</u>	<u>SI Owen Godshall</u>	<u>6/07/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u></u>	<u>IM Simon Wang</u>	<u>06/07/23</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date